

In this view of the subject, your committee cannot acknowledge either of the two positions assumed by his Excellency, first that the cessions and acceptance of the public lands “formed a compact between the *General Government* and the States.”— Secondly, that by this means, “all the States secure the benefit of having a common fund provided for discharging the debts and defraying the expenses of the *General Government*.” Still less are we convinced of the accuracy of another argument of his Excellency, “that the States evidently intended that the territory and the revenue arising from it, should be surrendered to the United States, as a common fund for paying the general charge and expenditure, or in other words, for paying the debts and defraying the expenses of the *General Government*.”

Apart from the fact previously urged by your committee, that the cessions were from States to States, for their use and benefit, and that as no general government, properly so called, existed at the period to constitute a distinct deliberate party to the supposed “compact,” there could have been no such compact as his Excellency argues upon—your committee would observe, that the claims of the several States (not possessing within their limits the territory) to these lands, were based not upon the duty of the Congress to provide a general fund for ordinary expenses of government, but upon the assumption of an absolute right on the part of all the States, to share proportionally in the conquests from a common enemy, effected by common and united effort. These claims in their origin, rested not upon deeds of cessions from the States, but upon rights over-riding their exclusive claims, and inherent in all the contending states. As between the confederate states and the states ceding territory, these cessions “did convey the soil as well as the jurisdiction,” so as to bar those states from a future claim to exclusive dominion. But we deny, that the acceptance of these cessions by the confederated states, implied an acknowledgment of the justice of such claim of exclusive right of dominion and property in the ceded territory.

Virginia, New York, etc., could only cede their own claims. Maryland, as a party accepting the cessions, was we are willing to admit, so far bound by them as the observance of the conditions attached required; the claim of Maryland, resting upon participated conquest and treaty, has never been surrendered and we deny to the congress of the United States any control over that claim, either by virtue of the cessions or the power